

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA,

V.

CRIMINAL NO.: 03-CR-10331 (RGS)

IVAN VELEZ,

**MOTION FOR CONTINUANCE OF ARRAIGNMENT ON
SUPERSEDING INDICTMENT**

COMES NOW the Defendant, Ivan Velez, by and through undersigned counsel, and files this his Motion for Continuance of Arraignment on Superseding Indictment, and in support thereof alleges as follows:

1. The Defendant is scheduled to be arraigned before this Honorable Court on Thursday, September 23, 2004 at 2:30 pm on a Superseding Indictment in the above-styled cause.
2. The undersigned, however, has a scheduling conflict and wishes to reschedule the matter. Additionally, undersigned has been advised by AUSA Lie that yet another Superseding Indictment will be sought, within the next month, in this matter in light of the *Blakely* decision.
3. The Defendant does not object to the granting of the instant motion.
4. The Defendant agrees to a finding that this period of time is excludable under the Speedy Trial Act.
5. Assistant United States Attorney Cynthia W. Lie has no objection to the granting of the instant motion.

WHEREFORE, undersigned counsel prays this Honorable Court grant this motion, and and reschedule the instant matter for Friday, October 8, 2004.

FROM : CARLOS A. SABATES M.D.

FAX NO. : 305-443-4849


Respectfully submitted,

PERCY MARTINEZ, P.A.
Attorneys for the Defendant/VELEZ
FL Bar Number 981990
2 Alhambra Plaza, Suite 801
Coral Gables, FL 33134
Telephone: (305) 529-0001
Facsimile: (305) 448-0554

By: 
Percy Martinez, Esq.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing motion was mailed/faxed to Cynthia W. Lie, Assistant United States Attorney, Office of the United States Attorney, Boston, Massachusetts on this 22nd day of September 2004.

By: 
Percy Martinez, Esq.